

From Italy," and the design of olive branches bearing the ripened fruit; (Acomo Fo brand) "Imported Products Sublime Olive Oil Acomo Fo Brand \* \* \* The Olive Oil Contained In This Can is pressed from fresh picked high grown fruit, packed by the grower under the best sanitary condition, and guaranteed to be absolutely pure under any chemical analysis. The producer begs to recommend to the consumer to destroy this can as soon as empty in order to prevent unscrupulous dealers from refilling it with adulterated Oil or Oil of an inferior quality. The producer warns all such dealers that he will proceed against them to the full extent of the law [similar statements in Italian] \* \* \* Imported from Italy," and the design of olive branches bearing the ripened fruit; (Superfine brand) "Italian Product Virgin Olive Oil Imported Superfine Brand Lucca [and similar statements in Italian] \* \* \* Finest quality \* \* \* this imported olive oil is guaranteed to be absolutely pure under chemical analysis \* \* \* Questo Olio D'Oliiva Importato E' Garantito Assolutamente Puro Sotto Analisi Chimica," "Garanzia Della Qualita," and "Imported from Italy," and the design of olive branches bearing the ripened fruit. Misbranding was alleged further in that the article was an imitation of another article, namely, olive oil.

On November 17, 1937, a plea of guilty having been entered, the court imposed a fine of \$1,200 and sentenced the defendant to 30 days' imprisonment, but ordered that the fine be remitted.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29306. Misbranding of canned cherries. U. S. v. 30 Cases and 60 Cases of Canned Cherries (and one similar seizure action). Consent decrees of condemnation. Product released under bond for relabeling. (F. & D. Nos. 42211, 42212, 43013. Sample Nos. 9135-D, 9136-D, 27502-D.)**

This product was substandard, a portion because of the presence of an excessive number of pits and the remainder because of excessive packing medium, and it was not labeled to indicate that it was substandard.

An April 19 and July 15, 1938, the United States attorneys for the Eastern District of Texas and the District of Wyoming, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 90 cases of canned cherries at Tyler, Tex., and 108 cases of canned cherries at Sheridan, Wyo., consigned by Kuner-Empson Co.; alleging that the article had been shipped in interstate commerce in the period from on or about August 20, 1937, to on or about May 19, 1938, in part from Brighton, Colo., and in part from Longmont, Colo.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled variously: "Empson's \* \* \* Red Pitted Cherries [or "Red Sour Pitted Cherries"] The Empson Packing Co. \* \* \* Brighton, Colo."; "Kuner's Red Pitted Cherries \* \* \* Kuner Pickle Co. \* \* \* Brighton, Colo."

The article was alleged to be misbranded in that it fell below the standard of quality, condition, and fill of container promulgated by the Secretary of Agriculture since there was present in a portion more than 1 cherry pit for each 20 ounces of net contents, and there was present in the remainder excess packing medium and the labels did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On June 3 and August 4, 1938, Kuner-Empson Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29307. Adulteration and misbranding of Lemon Bar Mix. U. S. v. 4½ Cases of Lemon Bar Mix. Default decree of condemnation and destruction. (F. & D. No. 43023. Sample No. 35281-D.)**

The labeling and appearance of this product conveyed the impression that it was lemon juice; whereas it consisted of a mixture of acid, water, artificial color, lemon-peel flavor, and artificial cloud containing little or no lemon juice.

On July 11, 1938, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4½ cases of Lemon Bar Mix at Providence, R. I.; alleging that the article had been shipped in interstate commerce on or about April 27, 1938, from Springfield, Mass., by G. & G. Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ready Lemon Bar Mix \* \* \* G. & G. Co. Springfield, Mass."